

E 357

.M423

LIBRARY OF CONGRESS



00005024110





REPORT

OF THE

COMMITTEE OF THE SENATE

OF

MASSACHUSETTS ;

COMPRISING

THE PRESIDENT'S MESSAGE OF THE 1st OF JUNE ; THE REPORT
OF THE COMMITTEE OF FOREIGN RELATIONS ; THE ACT
DECLARING WAR ; THE PROCLAMATION OF THE
PRESIDENT, ANNOUNCING THAT EVENT ;

AND THE

ADDRESS OF THE SENATE

TO THE PEOPLE OF THIS COMMONWEALTH.

June 26th, 1812.—Ordered to be printed.

BOSTON:

Adams, Rhoades, & Co. Printers.

.....
1812.

E 357
M423

Commonwealth of Massachusetts.

THE committee of the Senate who were appointed to prepare and report an address to their constituents, have attended that service, and report the address which accompanies this report; and they ask leave to recommend, that the message of the President to both Houses of Congress of the 1st June instant, the report or manifesto of both Houses which preceded the declaration of war, the act by which war was declared to exist between the United Kingdoms of Great Britain and Ireland, and the dependencies thereof, and the United States of America and their territories, and the proclamation of the President of the United States of the 19th June instant, accompany said address, and be considered as part thereof.

By order of the Committee.

In Senate, June 26th, 1812

Read and accepted, and thereupon ordered that the Clerk of the Senate be directed to procure ten thousand copies of the same to be printed for the use of the members of the Senate and of their constituents.

SAMUEL DANA, *President.*

THE

STATUTE

OF THE

PARLIAMENT

OF GREAT BRITAIN

AND IRELAND

IN THE

SEVENTH YEAR

OF HIS

Majesty

GEORGE THE

THIRD

CHAPTER

XXV

OF THE

STATUTES

IN PARLIAMENT

IMPORTANT STATE PAPERS.

DECLARATION OF WAR.

WASHINGTON, JUNE 18, 4 o'clock, P. M.

THE injunction of secrecy was about an hour ago removed from the following Message, Report, and Act.

MESSAGE.

To the Senate and House of Representatives of the United States.

I communicate to Congress certain documents, being a continuation of those heretofore laid before them, on the subject of our affairs with Great Britain.

Without going back beyond the renewal in 1803 of the war in which G. Britain is engaged, and omitting unrepaid wrongs of inferior magnitude, the conduct of her government presents a series of acts hostile to the United States as an independent and neutral nation.

British cruisers have been in the continued practice of violating the American flag on the great highway of nations, and of seizing and carrying off persons sailing under it ; not in the exercise of a belligerent right founded on the law of nations, against an enemy, but of a municipal prerogative over British subjects. British jurisdiction is thus extended to neutral vessels in a situation where no laws can operate but the law of nations, and the laws of the country to which the vessels belong : and a self redress is assumed, which if British subjects were wrongfully detained and alone concerned, is that substitution of force for a resort to the responsible sovereign, which falls within the definition of war. Could the seizure of British subjects, in such cases, be

regarded as within the exercise of a belligerent right, the acknowledged laws of war, which forbid an article of captured property to be adjudged, without a regular investigation before a competent tribunal, would imperiously demand the fairest trial, where the sacred rights of persons were at issue. In place of such a trial, these rights are subjected to the will of every petty commander.

The practice, hence, is so far from affecting British subjects alone, that under the pretext of searching for these, thousands of American citizens, under the safeguard of public law, and of their national flag, have been torn from their country and from every thing dear to them ; have been dragged on board ships of war of a foreign nation, and exposed, under the severities of their discipline, to be exiled to the most distant and deadly climes, to risk their lives in the battles of their oppressors, and to be the melancholy instruments of taking away those of their own brethren.

Against this crying enormity, which Great Britain would be so prompt to avenge if committed against herself, the U. States have in vain exhausted remonstrances and expostulations. And that no proof might be wanting of their conciliatory dispositions, and no pretext left for a continuance of the practice, the British government was formally assured of the readiness of the U. States to enter into arrangements, such as could not be rejected, if the recovery of British subjects were the real and the sole object. The communication passed without effect.

British cruisers have been in the practice also of violating the rights and the peace of our coasts. They hover over and harass our entering and departing commerce. To the most insulting pretensions they have added the most lawless proceedings in our very harbours ; and have wantonly spilt American blood within the sanctuary of our territorial jurisdiction.—The principles and rules enforced by that nation, when a neutral nation, against armed vessels of belligerents hovering near her coasts, and disturbing her commerce, are well known. When called on, nevertheless, by the U. States to punish the greater offences committed by her own vessels, her

government has bestowed on their commanders additional marks of honour and confidence.

Under pretended blockades, without the presence of an adequate force, and sometimes without the practicability of applying one, our commerce has been plundered in every sea ; the great staples of our country have been cut off from their legitimate markets ; and a destructive blow aimed at our agricultural and maritime interests. In aggravation of these predatory measures, they have been considered as in force from the dates of their notification ; a retrospective effect being thus added, as has been done in other important cases, to the unlawfulness of the course pursued. And to render the outrage the more signal, these mock blockades have been reiterated and enforced in the face of official communications from the British government, declaring, as the true definition of a legal blockade, " that particular ports must be actually invested, and previous warning given to vessels bound to them, not to enter."

Not content with these occasional expedients for laying waste our neutral trade, the cabinet of Great Britain resorted, at length, to the sweeping system of blockades, under the name of orders in council, which has been moulded and managed, as might best suit its political views, its commercial jealousies, or the avidity of British cruisers.

To our remonstrances against the complicated and transcendent injustice of this innovation, the first reply was that the orders were reluctantly adopted by Great Britain as a necessary retaliation on decrees of her enemy proclaiming a general blockade of the British isles, at a time when the naval force of that enemy dared not to issue from his own ports. She was reminded without effect, that her own prior blockades, unsupported by an adequate naval force actually applied and continued, were a bar to this plea : that executed edicts against millions of our property could not be retaliation on edicts confessedly impossible to be executed ; that retaliation, to be just, should fall on the party setting the guilty example, not on an innocent party which was not even chargeable with an acquiescence in it.

When deprived of this flimsy veil for a prohibition of our trade with her enemy, by the repeal of his prohibition of our trade with G. Britain, her cabinet, instead of a corresponding repeal or a practical discontinuance of its orders, formally avowed a determination to persist in them against the United States, until the markets of her enemy should be laid open to British products ; thus asserting an obligation on a neutral power to require one belligerent to encourage, by its internal regulations, the trade of another belligerent ; contradicting her own practice towards all nations in peace as well as in war ; and betraying the insincerity of those professions which inculcated a belief that, having resorted to her orders with regret, she was anxious to find an occasion for putting an end to them.

Abandoning still more all respect for the neutral rights of the U. States, and for its own consistency, the British government now demands, as prerequisites to a repeal of its orders, as they relate to the United States, that a formality should be observed in the repeal of the French decrees nowise necessary to their termination, nor exemplified by British usage ; and that the French repeal, besides including that portion of the decrees which operates within a territorial jurisdiction as well as that which operates on the high seas against the commerce of the United States, should not be a single special repeal in relation to the U. States, but should be extended to whatever other neutral nations unconnected with them may be affected by those decrees.

And as an additional insult, they are called on for a formal disavowal of conditions and pretensions advanced by the French government, for which the United States are so far from having made themselves responsible, that, in official explanations, which have been published to the world, and in a correspondence of the American minister at London with the British minister for Foreign Affairs, such a responsibility was explicitly and emphatically disclaimed.

It has become indeed sufficiently certain that the commerce of the United States is to be sacrificed, not as interfering with the belligerent rights of Great Brit-

ain, not as supplying the wants of her enemies, which she herself supplies ; but as interfering with the monopoly which she covets for her own commerce and navigation. She carries on a war against the lawful commerce of a friend, that she may the better carry on a commerce with an enemy, a commerce polluted by the forgeries and perjuries which are for the most part the only passports by which it can succeed.

Anxious to make every experiment short of the last resort of injured nations, the United States have withheld from Great-Britain, under successive modifications, the benefits of a free intercourse with their market, the loss of which could not but outweigh the profits accruing from her restrictions of our commerce with other nations. And to entitle these experiments to the more favourable consideration, they were so framed as to enable her to place her adversary under the exclusive operation of them. To these appeals her government has been equally inflexible, as if willing to make sacrifices of every sort, rather than yield to the claims of justice or renounce the errors of a false pride. Nay, so far were the attempts carried to overcome the attachment of the British cabinet, to its unjust edicts, that it received every encouragement within the competency of the executive branch of our government, to expect that a repeal of them would be followed by a war between the United States and France, unless the French edicts should also be repealed. Even this communication, although silencing for ever the plea of a disposition in the United States to acquiesce in those edicts, originally the sole plea for them, received no attention.

If no other proof existed of a predetermination of the British government against a repeal of its orders, it might be found in the correspondence of the Minister Plenipotentiary of the United States at London, and the British Secretary for Foreign Affairs in 1810, on the question whether the blockade of May 1806 was considered as in force or as not in force. It had been ascertained that the French government, which urged this blockade as the ground of its Berlin decree, was willing, in the event of its removal, to repeal that decree ; which

being followed by alternate repeals of the other offensive edicts, might abolish the whole system on both sides. This inviting opportunity for accomplishing an object so important to the United States, and professed so often to be the desire of both the belligerents, was made known to the British government. As that government admits that an actual application of an adequate force is necessary to the existence of a legal blockade, and it was notorious, that if such a force had ever been applied, its long discontinuance had annulled the blockade in question, there could be no sufficient objection on the part of Great Britain to a formal revocation of it ; and no imaginable objection to a declaration of the fact that the blockade did not exist. The declaration would have been consistent with her avowed principles of blockade, and would have enabled the U. S. to demand from France the pledged repeal of her decrees ; either with success, in which case the way would have been opened for a general repeal of the belligerent edicts ; or without success, in which case the U. States would have been justified in turning their measures exclusively against France. The British government would, however, neither rescind the blockade nor declare its non-existence ; nor permit its non-existence to be inferred and affirmed by the American Plenipotentiary.—On the contrary by representing the blockade to be comprehended in the orders in council, the United States were compelled so to regard it in their subsequent proceedings.

There was a period when a favourable change in the policy of the British cabinet was justly considered as established. The Minister Plenipotentiary of His British Majesty here proposed an adjustment of the differences more immediately endangering the harmony of the two countries. The proposition was accepted with a promptitude and cordiality corresponding with the invariable professions of this government. A foundation appeared to be laid for a sincere and lasting reconciliation. The prospect, however, quickly vanished. The whole proceeding was disavowed by the British government without any explanation which could at that time repress the belief, that the disavowal proceeded from a

spirit of hostility to the commercial rights and prosperity of the United States. And it has since come into proof, that at the very moment when the public Minister was holding the language of friendship, and inspiring confidence in the sincerity of the negotiation with which he was charged, a secret agent of his government was employed in intrigues, having for their object a subversion of our government and a dismemberment of our happy Union.

In reviewing the conduct of Great Britain towards the United States, our attention is necessarily drawn to the warfare just renewed by the savages on one of our extensive frontiers ; a warfare which is known to spare neither age nor sex, and to be distinguished by features peculiarly shocking to humanity. It is difficult to account for the activity and combinations which have for some time been developing themselves among the tribes in constant intercourse with British traders and garrisons, without connecting their hostility with that influence ; and without recollecting the authenticated examples of such interpositions heretofore furnished by the officers and agents of that government.

Such is the spectacle of injuries and indignities which have been heaped on our country ; and such the crisis which its unexampled forbearance and conciliatory efforts have not been able to avert. It might at least have been expected, that an enlightened nation, if less urged by moral obligations, or invited by friendly dispositions on the part of the U. S. would have found in its true interests alone a sufficient motive to respect their rights and their tranquillity on the high seas ; that an enlarged policy would have favoured that free and general circulation of commerce, in which the British nation is at all times interested, and which in times of war is the best alleviation of its calamities to herself, as well as to other belligerents ; and more especially that the British Cabinet would not, for the sake of a precarious and surreptitious intercourse with hostile markets, have persevered in a course of measures which necessarily put at hazard the invaluable market of a great and growing country, disposed to cultivate the mutual advantages of an active commerce.

Other councils have prevailed. Our moderation and conciliation, have had no other effect than to encourage perseverance, and to enlarge pretensions. We behold our seafaring citizens still the daily victims of lawless violence committed on the great common and highway of nations, even within sight of the country which owes them protection. We behold our vessels freighted with the products of our soil and industry, or returning with the honest proceeds of them, wrested from their lawful destinations, confiscated by prize courts no longer the the organs of public law, but the instruments of arbitrary edicts ; and their unfortunate crews dispersed and lost, or forced or inveigled in British ports into British fleets : whilst arguments are employed, in support of these aggressions, which have no foundation but in a principle equally supporting a claim to regulate our external commerce in all cases whatsoever.

We behold, in fine, on the side of G. Britain, a state of war against the United States ; and on the side of the United States a state of peace towards Great Britain.

Whether the United States shall continue passive under these progressive usurpations, and these accumulating wrongs ; or, opposing force to force in defence of their natural rights, shall commit a just cause into the hands of the Almighty Disposer of events, avoiding all connections which might entangle it in the contests or views of other powers, and preserving a constant readiness to concur in an honorable re-establishment of peace and friendship, is a solemn question, which the constitution wisely confides to the Legislative Department of the government : In recommending it to their early deliberation, I am happy in the assurance that the decision will be worthy the enlightened and patriotic councils of a virtuous, a free, and a powerful nation.

Having presented this view of the relations of the United States with Great Britain and of the solemn alternative growing out of them, I proceed to remark that the communication last made to Congress on the subject of our relations with France will have shown that since the revocation of her decrees as they violated the neutral rights of the U. States, her government has authorised

illegal captures, by its privateers and public ships, and that other outrages have been practised on our vessels and our citizens. It will have been seen also, that no indemnity had been provided, or satisfactory pledge for the extensive spoliations committed under the violent and retrospective orders of the French government against the property of our citizens seized within the jurisdiction of France.

I abstain at this time from recommending to the consideration of Congress definitive measures with respect to that nation, in the expectation, that the result of unclosed discussions between our Minister Plenipotentiary at Paris and the French government will speedily enable Congress to decide, with greater advantage on the course due to the rights, the interests, and the honour of our country.

JAMES MADISON,

Washington, June 1, 1812.

REPORT.

The Committee on Foreign Relations, to whom was referred the Message of the President of the United States of the 1st of June, 1812,

REPORT—

THAT after the experience which the United States have had of the great injustice of the British government towards them, exemplified by so many acts of violence and oppression, it will be more difficult to justify to the impartial world their patient forbearance, than the measures to which it has become necessary to resort, to avenge the wrongs, and vindicate the rights and honor of the nation. Your committee are happy to observe, on a dispassionate review of the conduct of the United States, that they see in it no cause for censure.

If a long forbearance under injuries ought ever to be considered a virtue in any nation, it is one which peculiarly becomes the United States. No people ever had stronger motives to cherish peace; none have ever cherished it with greater sincerity and zeal.

But the period has now arrived, when the United States must support their character and station among the nations of the earth, or submit to the most shameful degradation. Forbearance has ceased to be a virtue. War on the one side, and peace on the other, is a situation as ruinous as it is disgraceful. The mad ambition, the lust of power, and commercial avarice of Great Britain, arrogating to herself the complete dominion of the Ocean, and exercising

over it an unbounded and lawless tyranny, have left to neutral nations an alternative only, between the base surrender of their rights, and a manly vindication of them. Happily for the United States, their destiny, under the aid of Heaven, is in their own hands. The crisis is formidable only by their love of peace. As soon as it becomes a duty to relinquish that situation, danger disappears. They have suffered no wrongs, they have received no insults, however great, for which they cannot obtain redress.

More than seven years have elapsed, since the commencement of this system of hostile aggression, by the British government, on the rights and interests of the U. States. The manner of its commencement was not less hostile, than the spirit with which it has been prosecuted. The U. States have invariably done every thing in their power to preserve the relations of friendship with Great Britain. Of this disposition they gave a distinguished proof, at the moment when they were made the victims of an opposite policy. The wrongs of the last war had not been forgotten at the commencement of the present one. They warned us of dangers, against which it was sought to provide. As early as the year 1804, the Minister of the U. States at London was instructed, to invite the British government to enter into a negociation on all the points on which a collision might arise between the two countries, in the course of the war, and to propose to it an arrangement of their claims on fair and reasonable conditions. The invitation was accepted. A negociation had commenced and was depending, and nothing had occurred to excite a doubt that it would not terminate to the satisfaction of both the parties. It was at this time, and under these circumstances, that an attack was made, by surprise, on an important branch of the American commerce, which affected every part of the United States, and involved many of their citizens in ruin.

The commerce on which this attack was so unexpectedly made, was between the United States and the colonies of France, Spain, and other enemies of Great Britain. A commerce just in itself; sanctioned by the example of G. Britain in regard to the trade with her own colonies; sanctioned by a solemn act between the two governments in the last war; and sanctioned by the practice of the British government in the present war, more than two years having then elapsed, without any interference with it.

The injustice of this attack could only be equalled by the absurdity of the pretext alleged for it. It was pretended by the British government, that in case of war, her enemy had no right to modify its colonial regulations, so as to mitigate the calamities of war to the inhabitants of its colonies. This pretension, peculiar to Great Britain, is utterly incompatible with the rights of sovereignty in every independent state. If we recur to the well established and universally admitted law of nations, we shall find no sanction to it, in that venerable code. The sovereignty of every state is co-extensive with its dominions, and cannot be abrogated, or curtailed in its rights, as to any part, except by conquest. Neutral nations have a right to trade to every port of either belligerent, which is not legal-

ly blockaded ; and in all articles which are not contraband of war. Such is the absurdity of this pretension, that your committee are aware, especially after the able manner in which it has been heretofore refuted, and exposed, that they would offer an insult to the understanding of the House, if they enlarged on it, and if any thing could add to the high sense of the injustice of the British government in the transaction, it would be the contrast which her conduct exhibits in regard to this trade, and in regard to a similar trade by neutrals with her own colonies. It is known to the world, that G. Britain regulates her own trade, in war and in peace, at home and in her colonies, as she finds for her interest—that in war she relaxes the restraints of her colonial system in favour of the colonies, and that it never was suggested that she had not a right to do it ; or that a neutral in taking advantage of the relaxation violated a belligerent right of her enemy. But with G. Britain *every thing* is lawful. It is only in a trade with her enemies that the U. States can do wrong. With them all trade is unlawful.

In the year 1793 an attack was made by the British government on the same branch of our neutral trade, which had nearly involved the two countries in war. That difference however was amicably accommodated. The pretension was withdrawn, and reparation made to the United States for the losses which they had suffered by it. It was fair to infer from that arrangement that the commerce was deemed by the British government lawful, and that it would not be again disturbed.

Had the British government been resolved to contest this trade with neutrals, it was due to the character of the British nation that the decision should be made known to the government of the United States. The existence of a negotiation which had been invited by our government, for the purpose of preventing differences by an amicable arrangement of their respective pretensions, gave a strong claim to the notification, while it afforded the fairest opportunity for it. But a very different policy animated the then Cabinet of England. The liberal confidence and friendly overtures of the United States were taken advantage of to ensnare them. Steady to its purpose and inflexibly hostile to this country, the British government calmly looked forward to the moment, when it might give the most deadly wound to our interests. A trade, just in itself, which was secured by so many strong and sacred pledges, was considered safe. Our citizens with their usual industry and enterprise had embarked in it a vast proportion of their shipping, and of their capital, which were at sea, under no other protection than the law of nations, and the confidence which they reposed in the justice and friendship of the British nation. At this period the unexpected blow was given. Many of our vessels were seized, carried into port and condemned by a tribunal, which, while it professes to respect the law of nations, obeys the mandates of its own government. Hundreds of other vessels were driven from the ocean, and the trade itself in a great measure suppressed. The effect produced by this attack on the lawful commerce of the United States was such as might have been expected from a virtuous, indepen-

gent and highly injured people. But one sentiment pervaded the whole American nation. No local interests were regarded; no sordid motives felt. Without looking to the parts which suffered most, the invasion of our rights was considered a common cause, and from one extremity of our Union to the other, was heard the voice of a united people, calling on their government to avenge their wrongs, and vindicate the rights and honour of the country.

From this period the British government has gone on in a continued encroachment on the rights and interests of the United States, disregarding in its course, in many instances, obligations which have heretofore been held sacred by civilized nations.

In May, 1806, the whole coast of the continent from the Elbe to Brest inclusive, was declared to be in a state of blockade. By this act, the well-established principles of the law of nations, principles which have served for ages as guides, and fixed the boundary between the rights of belligerents and neutrals, were violated: By the law of nations, as recognized by Great Britain herself, no blockade is lawful, unless it be sustained by the application of an adequate force, and that an adequate force was applied to this blockade, in its full extent, ought not to be pretended. Whether Great Britain was able to maintain, legally, so extensive a blockade, considering the war in which she is engaged, requiring such extensive naval operations, is a question which it is not necessary at this time to examine. It is sufficient to be known, that such force was not applied, and this is evident from the terms of the blockade itself, by which, comparatively, an inconsiderable portion of the coast only was declared to be in a state of *strict and rigorous blockade*. The objection to the measure is not diminished by that circumstance. If the force was not applied, the blockade was unlawful from whatever cause the failure might proceed. The belligerent who institutes the blockade cannot absolve itself from the obligation to apply the force under any pretext whatever. For a belligerent to relax a blockade, which it could not maintain, it would be a refinement in injustice, not less insulting to the understanding than repugnant to the law of nations. To claim merit for the mitigation of an evil, which the party either had not the power or found it inconvenient to inflict, would be a new mode of encroaching on neutral rights. Your committee think it just to remark that this act of the British government does not appear to have been adopted in the sense in which it has been since construed. On consideration of all the circumstances attending the measure, and particularly the character of the distinguished statesman who announced it, we are persuaded that it was conceived in a spirit of conciliation, and intended to lead to an accommodation of all differences between the United States and Great Britain. His death disappointed that hope, and the act has since become subservient to other purposes. It has been made by his successors, a pretext for that vast system of usurpation, which has so long oppressed and harassed our commerce.

The next act of the British government which claims our attention, is the order of council of January 7, 1807, by which neu-

tral powers are prohibited trading from one port to another of France or her allies, or any other country, with which Great Britain might not freely trade. By this order the pretension of England, heretofore claimed by every other power, to prohibit neutrals disposing of parts of their cargoes at different ports of the same enemy, is revived, and with vast accumulation of injury. Every enemy, however great the number, or distant from each other, is considered one, and the like trade, even with powers at peace with England, who from motives of policy had excluded or restrained her commerce, was also prohibited. In this act the British government evidently disclaimed all regard for neutral rights. Aware that the measures authorised by it could find no pretext in any belligerent right, none was urged. To prohibit the sale of our produce, consisting of innocent articles, at any port of a belligerent, not blockaded, to consider every belligerent as one, and subject neutrals to the same restraints with all, as if there was but one, were bold encroachments. But to restrain or in any manner interfere with our commerce with neutral nations with whom Great Britain was at peace, and against whom she had no justifiable cause of war, for the sole reason, that they restrained or excluded from their ports her commerce, was utterly incompatible with the pacific relations subsisting between the two countries.

We proceed to bring into view the British Order in Council of November 11th, 1807, which superceded every other order, and consummated that system of hostility on the commerce of the United States, which has been since so steadily pursued. By this order all France and her allies and every other country at war with Great Britain, or with which she was not at war, from which the British flag was excluded, and all the colonies of her enemies, were subjected to the same restrictions as if they were actually blockaded in the most strict and rigorous manner, and all trade in articles the produce and manufacture of the said countries and colonies, and the vessels engaged in it, were subjected to capture and condemnation as lawful prize. To this order certain exceptions were made which we forbear to notice, because they were not adopted from a regard to neutral rights, but were dictated by policy to promote the commerce of England, and so far as they related to neutral powers, were said to emanate from the clemency of the British government.

It would be superfluous in your committee to state, that by this order the British government declared direct and positive war against the United States. The dominion of the ocean was completely usurped by it, all commerce forbidden, and every flag driven from it or subjected to capture and condemnation, which did not subserve the policy of the British government, by paying it a tribute and sailing under its sanction. From this period the United States have incurred the heaviest losses and most mortifying humiliations. They have borne the calamities of war without retorting them on its authors.

So far your committee has presented to the view of the House the aggressions which have been committed under the authority

of the British government on the commerce of the United States. —We will now proceed to other wrongs which have been still more severely felt. Among these is the impressment of our seamen, a practice which has been unceasingly maintained by Great Britain in the wars to which she has been a party since our revolution. Your committee cannot convey in adequate terms the deep sense which they entertain of the injustice and oppression of this proceeding. Under the pretext of impressing British seamen, our fellow citizens are seized in British ports, on the high seas, and in every other quarter to which the British power extends, are taken on board British men of war, and compelled to serve there as British subjects. In this mode our citizens are wantonly snatched from their country and their families, deprived of their liberty and doomed to an ignominious and slavish bondage, compelled to fight the battles of a foreign country, and often to perish in them —Our flag has given them no protection ; it has been unceasingly violated, and our vessels exposed to danger by the loss of the men taken from them.

Your committee need not remark that while the practice is continued, it is impossible for the United States to consider themselves an independent nation —Every new case is a new proof of their degradation. Its continuance is the more unjustifiable, because the United States have repeatedly proposed to the British Government, an arrangement which would secure to it the control of its own people. An exemption of the citizens of the United States from this degrading oppression, and their flag from violation, is all that they have sought.

This lawless waste of our trade and equally unlawful impressment of our seamen, have been much aggravated by the insults and indignities attending them. Under the pretext of blockading the harbors of France and her allies, British squadrons have been stationed on our own coast, to watch and annoy our own trade. To give effect to the blockade of European ports, the ports and harbors of the United States have been blockaded. In executing these orders of the British government, or in obeying the spirit which was known to animate it, the commanders of these squadrons have encroached on our jurisdiction, seized our vessels, and carried into effect impressments within our limits, and done other acts of great injustice, violence, and oppression. The U. States have seen, with mingled indignation and surprise, that these acts, instead of procuring to the perpetrators the punishment due to unauthorized crimes, have not failed to recommend them to the favour of their government.

Whether the British government has contributed by active measures to excite against us the hostility of the savage tribes on our frontiers, your committee are not disposed to occupy much time in investigating. Certain indications of general notoriety may supply the place of authentic documents ; though these have not been wanting to establish the fact in some instances. It is known that symptoms of British hostility towards the U. States

have never failed to produce corresponding symptoms among those tribes.

It is also well known that on all such occasions, abundant supplies of the ordinary munitions of war have been afforded by the agents of British commercial companies, and even from British garrisons, wherewith they were enabled to commence that system of savage warfare on our frontiers, which has been at all times indiscriminate in its effect, on all ages, sexes, and conditions, and so revolting to humanity.

Your committee would be much gratified if they could close here the detail of British wrongs ; but it is their duty to recite another act of still greater malignity, than any of those which have been already brought to your view. The attempt to dismember our Union and overthrow our excellent constitution, by a secret mission, the object of which was to foment discontents and excite insurrection against the constituted authorities and laws of the nation, as lately disclosed by the agent employed in it, affords full proof that there is no bound to the hostility of the British government towards the United States—no act, however unjustifiable, which it would not commit to accomplish their ruin. This attempt excites the greater horror from the consideration that it was made while the U. States and G. Britain were at peace, and an amicable negotiation was depending between them for the accommodation of their differences through public ministers regularly authorised for the purpose.

The U. States have beheld, with unexampled forbearance, this continued series of hostile encroachments on their rights and interests, in the hope, that, yielding to the force of friendly remonstrances, often repeated, the British government might adopt a more just policy towards them ; but that hope no longer exists. They have also weighed impartially the reasons which have been urged by the British government in vindication of these encroachments, and found in them neither justification or apology.

The British government has alleged in vindication of the orders in council that they were resorted to as a retaliation on France for similar aggressions committed by her on our neutral trade with the British dominions. But how has this plea been supported ? The dates of British and French aggressions are well known to the world. Their origin and progress have been marked with too wide and destructive a waste of the property of our fellow citizens. to have been forgotten. The decree of Berlin of Nov. 21st, 1806, was the first aggression of France in the present war. Eighteen months had then elapsed, after the attack made by Great Britain on our neutral trade, with the colonies of France and her allies, and six months from the date of the proclamation of May, 1806. Even on the 7th January, 1807, the date of the first British order in council, so short a term had elapsed after the Berlin decree, that it was hardly possible that the intelligence of it should have reached the United States. A retaliation which is to produce its effect, by operating on a neutral power, ought not to be resorted to, till the neutral had justified it by a culpable acquies-

cence in the unlawful act of the other belligerent. It ought to be delayed until after sufficient time had been allowed to the neutral to remonstrate against the measure complained of, to receive an answer, and to act on it, which had not been done in the present instance ; and when the order of November 11th was issued, it is well known that a minister of France had declared to the minister plenipotentiary of the U. States at Paris, that it was not intended that the decree of Berlin should apply to the United States. It is equally well known, that no American vessel had then been condemned under it, or seizure been made, with which the British government was acquainted. The facts prove incontestibly, that the measures of France, however unjustifiable in themselves, were nothing more than a pretext for those of England. And of the insufficiency of that pretext, ample proof has already been afforded by the British government itself, and in the most impressive form. Although it was declared that the orders in council were retaliatory on France for her decrees, it was also declared, and in the orders themselves, that owing to the superiority of the British navy, by which the fleets of France and her allies were confined within their own ports, the French decrees were considered only as empty threats.

It is no justification of the wrongs of one power, that the like were committed by another ; nor ought the fact, if true, to have been urged by either, as it could afford no proof of its love of justice, of its magnanimity, or even of its courage. It is more worthy the government of a great nation, to relieve than to assail the injured. Nor can a repetition of the wrongs by another power repair the violated rights, or wounded honor, of the injured party. An utter inability alone to resist, would justify a quiet surrender of our rights, and degrading submission to the will of others. To that condition the U. S. are not reduced, nor do they fear it. That they ever consented to discuss with either power the misconduct of the other, is a proof of their love of peace, of their moderation, and of the hope which they still indulged that friendly appeals to just and generous sentiments would not be made to them in vain. But the motive was mistaken, if their forbearance was imputed, either to the want of a just sensibility to their wrongs, or of a determination, if suitable redress was not obtained, to resent them. The time has now arrived when this system of reasoning must cease. It would be insulting to repeat it. It would be degrading to hear it. The U. States must act as an independent nation, and assert their *rights*, and avenge their *wrongs*, according to their own estimate of them, with the party who commits them, holding it responsible for its own misdeeds unmitigated by those of another.

For the difference made between Great Britain and France by the application of the non-importation act against England only, the motive has been already too often explained, and is too well known to require further illustration. In the commercial restrictions to which the United States resorted as an evidence of their sensibility, and a mild retaliation of their wrongs, they invariably placed both powers on the same footing, holding out to each in

respect to itself, the same accommodation, in case it accepted the condition offered, and in respect to the other, the same restraint if it refused. Had the British government confirmed the arrangement, which was entered into with the British minister in 1809, and France maintained her decrees, with France would the United States have had to resist, with the firmness belonging to their character, the continued violation of their rights. The committee do not hesitate to declare that France has greatly injured the United States, and that satisfactory reparation has not yet been made for many of those injuries. But, that is a concern which the United States will look to and settle for themselves. The high character of the American people, is a sufficient pledge to the world, that they will not fail to settle it, on conditions which they have a right to claim.

More recently, the true policy of the British government towards the United States has been completely unfolded. It has been publicly declared by those in power, that the orders in council should not be repealed until the French government had revoked all its internal restraints on the British commerce, and that the trade of the United States, with France and her allies, should be prohibited until Great Britain was also allowed to trade with them.

By this declaration, it appears, that to satisfy the pretensions of the British government, the United States must join G. Britain in the war with France, and prosecute the war, until France should be subdued, for without her subjugation, it were in vain to presume on such a concession. The hostility of the British government to these States has been still further disclosed. It has been made manifest that the United States are considered by it as the commercial rival of Great Britain, and that their prosperity and growth are incompatible with her welfare. When all these circumstances are taken into consideration, it is impossible for your committee to doubt the motives which have governed the British Ministry in all its measures towards the United States since the year 1805. Equally is it impossible to doubt, longer, the course which the United States ought to pursue towards Great Britain.

From this view of the multiplied wrongs of the British government since the commencement of the present war, it must be evident to the *impartial world*, that the contest which is now forced on the United States, is radically a contest for their sovereignty and independence. Your committee will not enlarge on any of the injuries, however great, which have had a transitory effect. They wish to call the attention of the House to those of a permanent nature only, which intrench so deeply on our most important rights, and wound so extensively and vitally our best interests, as could not fail to deprive the U. States of the principal advantages of their revolution, if submitted to. The control of our commerce by G. Britain, in regulating at pleasure, and expelling it almost from the ocean; the oppressive manner in which these regulations have been carried into effect, by seizing and confiscating such of our vessels, with their cargoes, as were said to have violated her edicts, often without

previous warning of their danger ; the impressment of our citizens from on board our own vessels, on the high seas, and elsewhere, and holding them in bondage until it suited the convenience of their oppressors to deliver them up, are encroachments of that high and dangerous tendency which could not fail to produce that pernicious effect, nor would those be the only consequences that would result from it. The British government might, for a while, be satisfied with the ascendancy thus gained over us, but its pretensions would soon increase. The proof, which so complete and disgraceful a submission to its authority, would afford of our degeneracy, could not fail to inspire confidence that there was no limit to which its usurpations and our degradation might not be carried.

Your committee, believing that the freeborn sons of America are worthy to enjoy the liberty which their fathers purchased at the price of so much blood and treasure, and seeing, in the measures adopted by G. Britain, a course commenced and persisted in, which might lead to a loss of national character and independence, feel no hesitation in advising resistance by force, in which the Americans of the present day will *prove* to the *enemy* and to the world, that we have not only inherited that liberty which our fathers gave us, but also the WILL and POWER to maintain it. Relying on the patriotism of the nation, and confidently trusting that the Lord of Hosts will go with us to battle in a righteous cause, and crown our efforts with success—your committee recommend an immediate appeal to ARMS.

AN ACT,

Declaring War between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their Territories.

BE it enacted by the Senate and House of Representatives of the U. States of America in Congress assembled, That WAR be and the same is hereby declared to exist between the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America, and their territories ; and that the President of the United States be, and he is hereby authorised to use the whole land and naval forces of the United States to carry the same into effect, and to issue to private armed vessels of the U. States commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the U.

States, against the vessels, goods, and effects of the government of the same United Kingdom of Great Britain and Ireland, and of the subjects thereof.

H. CLAY,

Speaker of the House of Representatives.

WILLIAM H. CRAWFORD,

President of the Senate pro tempore.

June 18, 1812.—APPROVED,

JAMES MADISON.

BY THE PRESIDENT
OF THE UNITED STATES OF AMERICA,
A Proclamation.

WHEREAS the Congress of the United States, by virtue of the constituted Authority vested in them, have declared by their act, bearing date the eighteenth day of the present month, that War exists between the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America and their territories; now therefore I, JAMES MADISON, President of the United States of America, do hereby proclaim the same to all whom it may concern: and I do specially enjoin on all persons holding offices, civil or military, under the authority of the United States, that they be vigilant and zealous, in discharging the duties respectively incident thereto: And I do moreover exhort all the good people of the United States, as they love their country; as they value the precious heritage derived from the virtue and valor of their fathers; as they feel the wrongs which have forced on them the last resort of injured nations; and as they consult the best means, under the blessing of Divine Providence, of abridging its calamities; that they exert themselves in preserving order, in promoting concord, in maintaining the authority and the efficacy of the laws, and in supporting and invigorating all the measures which may

be adopted by the Constituted Authorities, for obtaining a speedy, a just, and an honorable peace.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused the seal of the United States to be affixed to these presents.

(SEAL.)

DONE at the City of Washington, the nineteenth day of June, one thousand eight hundred and twelve, and of the Independence of the United States the thirty-sixth.

(Signed)

JAMES MADISON.

By the President,

(Signed)

JAMES MONROE,
Secretary of State.

ADDRESS
OF
THE SENATE
TO
THE PEOPLE,

OF THE COMMONWEALTH OF MASSACHUSETTS.

THE Senate announce to their Constituents, that WAR exists between the United States, and Great Britain and her dependencies. This last resort of injured nations is, at all times, a most serious event ; at the present, peculiarly solemn. It is a war against violence and rapacity, by an unoffending nation, aloof from the vortex and collisions of European politics ; whose utmost ambition was to live in honourable peace with the world ; at home, to enjoy the equal benefits of a republican government, and abroad, to carry the productions of its soil and industry in the usual channels of legitimate commerce.

We will not enter into a detail of the injuries inflicted on us, nor of the flimsy pretexts by which she has affected to justify her outrages ; it is sufficient to say, that England no longer pretends to disguise her ambitious designs, under the pretence of retaliation on her enemy. She asserts her unbounded right to dominion, only because she assumes unbounded power : She annexes conditions to the repeal of her orders, which she knows we have no right to require of her enemy ; which she knows are impossible : thus adding mockery to her long train of perpetrated injuries. With the bold-

ness of the highwayman, she has, at last, stripped the mask from violence, and vindicates her aggressions and impressments on the only plea of *tyrants*.....that of whim and convenience. The same plea extends to the weltering victim of savage barbarity on our frontiers.

It was not sufficient that we were remote from European politics, and courted peace under every sacrifice ; acquiesced in minor injuries ; remonstrated against those of a deeper dye ; forebore, until forbearance became pusillanimity ; and finally retired from the scene of controversy with the delusive hope, that a spirit of moderation might succeed that of violence and rapine. We were *hunted* on the ocean ; our property was seized upon by the convulsive grasp of our now open and acknowledged enemy, and our citizens forced into a cruel and ignominious vassalage.—And when we retired, we were pursued to the threshold of our territory ; outrages of an enormous cast perpetrated in our bays and harbors ; the tomahawk of the savage uplifted against the parent, the wife, the infant, on our frontiers ; and spies and incendiaries sent into the bosom of our country to plot with the desperate and ambitious the dismemberment of our government, and involve us in all the horrors of a civil war.

We have sought in vain for the motives of this horrible warfare. What British subject has ever been personally injured by America ? What British property has ever been confiscated or condemned ? What insult has ever been offered to the ensigns of national authority ? In a time of profound peace, when we were supplying their citizens with the products of our soil, and replenishing their coffers by a lucrative commerce ; with no disputes concerning territory ; with no armies or navies to excite their national jealousy ; we have experienced injuries and outrages, at which the humanity of modern warfare revolts.

The Constituted Authorities of the United States, in Congress assembled, submitting the justice of their cause to the God of Battles, have at length declared WAR against this implacable foe :—*A WAR for the protection of commerce :—A WAR for the Liberties of our Citi-*

zens :—A WAR for our National Sovereignty and Independence :—A WAR for our Republican Form of Government, against the machinations of despotism.

The Senate affect not to disguise from their Constituents, that the times are *times of peril*. The ENEMIES of REPUBLICS are on the alert. The *present is deemed the favorable time for the DISMEMBERMENT of the UNION*, that favorite project of the British Government, which has been attempted by their authorized agent ; and we have alarming proofs is countenanced and cherished by citizens of this government. YES : *we say with assurance, that a deep and deadly design is formed against our happy Union* : We say it from conviction forced on our minds ; from declarations from responsible sources ; from intrigues that have existed between the ENEMIES of REPUBLICS and an authorized British spy ; and from a settled determination in individuals to oppose the Government in the prosecution of the war now forced on us.

The Senate will not assert that there exists a party, (in the two grand divisions in which parties are generally divided in the United States, and on which the Senate are reluctantly compelled to animadvert,) which gives countenance to such nefarious projects. The great body of the people are Americans. It is the *Enemies of Republics*, of whom we speak. Monarchists in principle and by profession ; who disguise not their enmity to our happy Government, and do not conceal their intention to embrace the opportunity of popular disaffection and commotion, to attempt a Revolution. Deeply impressed with the solemnity of the crisis, and with the dangers attendant on our beloved country, as well from our declared enemy as our intestine foes, the Senate have contemplated the duties, which, as members of the social compact, each individual owes to his country, and they declare them to be a firm support of the Government of their choice. The rightful authority has decreed. Opposition must cease : He that is not for his country, is against it. The precedents on record will serve for your guide. When engaged with this same enemy, our fathers obeyed the calls of their

country, expressed through the authority of their edicts. In imitation of their example, let the laws every where be obeyed with the most prompt alacrity ; let the Constituted Authorities be aided by the patriotic efforts of individuals ;—let the Friends of the Government rally, under Committees of Public Safety, in each Town, District, and Plantation ; let a common center be formed by a Committee in each County, that seasonable information may be given of every movement of the enemy. Let our young men, who compose the Militia, be ready to march at a moment's warning to any part of our shores in defence of our coast.—These precautions are rendered necessary against our external foe, and the internal machinations she may again attempt. These measures are sanctified by the example of our fathers in our revolutionary struggle. And relying on the patriotism of the whole People, let us commit our cause to the God of Battles, and implore his aid and success in the preservation of our dearest rights and privileges.

In Senate, June 26, 1812.

Read and accepted.

SAMUEL DANA, *President.*





